

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 1, 2, 6-9, 11-18, 20, and 21-23 are pending; Claims 1, 2, 6-9, 11-18, and 20 are amended; and Claims 21-23 are newly added. It is respectfully submitted that no new matter is added by this amendment.

In the outstanding Office Action, Claims 1-14 and 16-18 were rejected under 35 U.S.C. § 102(e) as anticipated by Forslund et al. (U.S. Pat. No. 6,250,557, hereafter Forslund); and Claims 15, 19, and 20 were rejected under 35 U.S.C. § 103(a) as unpatentable over Forslund.

With regard to the rejection of Claims 1-14 and 16-18 under 35 U.S.C. § 102(e) as anticipated by Forslund, that rejection is respectfully traversed.¹

The present invention is directed to enabling electronic commerce using a mobile radio apparatus. Through the present invention, payments may be made from electronic money stored in a storage unit, which improves a user's convenience.²

To this end, Claim 1 recites, in part, "a mobile radio apparatus for communicating with a base station, comprising ... a storage unit configured to store electronic money; and means for transmitting electronic money to the communication machine for making payment."

Claims 2, 6-9, and 11-13 depend from Claim 1. Claim 14, from which Claims 16-18 depend, recites analogous limitations.

Forslund relates to a method of using a smart card. Forslund describes that the data bus controller section updates the appropriate (credit, cash, etc.) smart card in the smart card wallet 12 to reflect a transaction (e.g., subtracts the amount paid from the account balance

¹ Claims 3-5 have been canceled herewith, thereby rendering their rejection moot.

² Specification, page 4, lines 14-25.

maintained in the smart card).³ However, there is no teaching or suggestion in Forslund that the smart cards include a storage unit that stores electronic money. Rather, the information contained in the smart card of Forslund is a representation of money stored elsewhere (e.g., at a bank). Thus, while the smart card balance may be updated after a transaction, no actual transfer of money has occurred.

Because Forslund fails to disclose or suggest the storage unit recited in Claims 1 and 14, it is respectfully submitted that Claims 1 and 14 patentably distinguish over Forslund. Likewise, dependent Claims 2, 6-9, 11-13, and 16-18 also patentably distinguish over Forslund for at least the reasons set forth for independent Claims 1 and 14, and it is respectfully requested that this rejection be withdrawn.

With regard to the rejection of Claims 15, 19, and 20 under 35 U.S.C. § 103(a) as unpatentable over Forslund, that rejection is respectfully traversed.

Claims 15, 19, and 20 depend from Claim 14. As noted above, Forslund does not disclose or suggest the storage units of Claim 14.

Additionally, because the smart card of Forslund does not store electronic money, it is not possible for the smart card of Forslund to protect against a user spending more money than is actually available. Thus, it is not possible for Forslund to achieve the features of Claims 13 and 20, for example.

Moreover, the Office Action asserts at page 8 of the outstanding Office Action that:

[I]t is well know (*sic*) that smart cards (IC cards) have multiple storage wallets where different data (money wallets) can be stored to store balance for different cards, spending limits, deposit amount, statement, etc in different memory sector and data can be transferred from one storage to another.

³ Forslund, col. 5, lines 31-35.

However, no references were cited in support of this assertion. Accordingly, if the rejection of Claims 15, 19, and 20 is maintained in the next Office Action, it is respectfully requested that a reference be cited to support the rejection.

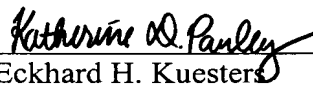
Thus, as Forslund fails to disclose or suggest the features of Claim 14, from which Claims 15, 19, and 20 depend, it is respectfully requested that this rejection be withdrawn.

Newly added Claims 21-23 include subject matter previously disclosed in the specification, at least, for example, at pages 16-20 and 23. Accordingly, it is respectfully submitted that no new matter is added by Claims 21-23. Additionally, independent Claim 21 (from which Claims 22 and 23 depend) recites a storage unit configured to store electronic money. As explained above, this feature is not disclosed or suggested by Forslund, and it is therefore respectfully submitted that Claims 21-23 are allowable.

Consequently, in view of the foregoing discussion and present amendments, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 06/04)

Katherine D. Pauley
Registration No. 50,607